



<b>APD Policy CHAPTER 50</b> <b>Transportation &amp; Restraint of PRISONERS only</b>	<b>ABERDEEN POLICE DEPARTMENT</b>  <b>POLICY AND PROCEDURE MANUAL</b>
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
<b>Applicable State Statutes:</b>	<b>RELATED POLICIES:</b> Chapter 8 I. Prisoner Processing    Chapter 12 F. Seatbelt use
<b>DATE IMPLEMENTED: June 15, 2020</b>	
<b>SPECIAL INSTRUCTIONS:</b>	<b>NUMBER OF PAGES: 8</b>

- I. **Purpose:** To establish guidelines for the reasonable and safe transportation and restraint of **prisoners only**.
- II. **Policy:** Transportation and restraint by law enforcement agencies of persons who are in custody is a constant requirement and a frequent activity. Two general time periods are involved. The first is immediately after arrest, when the arrestee is taken to the agency's holding facility for booking, processing, and short-term holding. The second concerns the movement of prisoners from the holding facility to a hospital or other medical facility and for other reasons. Regardless of the reason for the transportation of prisoners, potential hazards are always present. Therefore, it is the policy of this agency to establish uniform procedures that provide adequate safety and security of prisoners, transporting officers, and the public during prisoner transport.
- III. **DEFINITIONS:**
  - A. **CONTRABAND** – Articles or substances prohibited from the possession of prisoners.
  - B. **HANDICAPPED PRISONER**-A prisoner with an anatomical, physiological, or mental impairment that hinders mobility.
  - C. **PRISONER** – A person who has been arrested and taken into custody.
  - D. **PROPER SEARCH** – The physical inspection of a prisoner's person, clothing, and effects for weapons or potentially hazardous articles to be used against law enforcement personnel. This search shall also have consideration for contraband, such as narcotics, narcotic paraphernalia, and implements, which may facilitate an escape from custody or confinement. A proper search shall be

conducted in accordance with federal and state constitutions and statutes and be consistent with this agency's policy on searches.

- E. RESTRAINING DEVICES** – Equipment such as handcuffs, flex-cuffs, leather restraint belts, leg irons, hobble devices, and maximal restraint tools, used to restrain the movement of the prisoner.
- F. SECURITY HAZARD** – Any threat to the security of the prisoner, to the facility in which he/she is held, or to others with whom the prisoner may come into contact. Estimations of the degree of security hazard will govern the means of transport, the kinds of restraining devices to be used, and other actions to be taken by agency personnel to provide proper protection for and security of the prisoner.
- G. TRANSPORTING OFFICER** – an agency employee who is responsible for transporting a prisoner from one point to another.
- H. TRANSPORTATION OPERATIONS:**
  - 1. VEHICLE INSPECTION:** At the beginning and end of each shift, all vehicles regularly used for prisoner transport, shall be inspected by the agency member assigned to that vehicle to determine that all safety devices are in working order and that the interior is free of weapons and contraband. **Refer to Chapter 12 V. A. 1. Inspections.**
  - 2.** Prior to placing a prisoner in a vehicle for transport or detention, the officer shall inspect the interior for weapons and contraband. An additional inspection shall be conducted after the prisoner has been delivered to the detention facility or other destination.
- I. RESTRAINING DEVICES:**
  - 1.** Officers shall use only those restraining devices for which they have been trained.
  - 2.** With few exceptions, all prisoners shall be handcuffed, double locked, and checked for proper application, with their hands behind their back.
  - 3.** Officers shall document, in their report that “subject was handcuffed, checked for fit, and double-locked.”
  - 4.** Officers may use discretion in restraining persons or using other restraining devices in specific cases such as:
    - i.** Obvious state of pregnancy;
    - ii.** Prisoner has a physical handicap;
    - iii.** Prisoner has injuries that could be aggravated by standard handcuffing procedures;
    - iv.** Elderly; and Very young persons.
    - v.** All prisoners shall be secured with seatbelts. No prisoner shall be handcuffed to any part of the police vehicle. If officers are unable to

securely fasten with a seatbelt alternate means of transportation should be utilized (example ambulance).

- vi. With the approval of a supervisor, leg irons, hobbles, or flex-cuffs may be applied to the ankles of a prisoner who violently resists arrest, is an escape risk, is prone to violent behavior, or manifests mental disorders that pose a threat to the prisoner, the transporting officer, or the public.

#### **J. TRANSPORT:**

1. Prior to transport, the officer shall thoroughly search all prisoners for any weapons, tools of escape, or contraband.
2. The transporting officer shall conduct a pat-down frisk for seizing any weapons or tools of escape. The officer shall conduct a further search incident to the arrest for seizing weapons, contraband, or evidence of the crime.
3. In the event that the transporting officer and prisoner are of the opposite sex, the transporting officer may conduct a limited pat-down frisk for the purpose of seizing any weapons, tools of escape or contraband. This search should be observed, if possible, by a witness or in front of the vehicle video camera, and the officer is advised to use the back of his/her hand or some object such as a pen.
4. When possible and practicable, an agency member of the same sex should be requested for these types of searches.
5. Any search shall be documented by the transporting officer.
6. Prior to transporting a prisoner, the transporting officer shall notify the dispatcher:
  - i. Identity of the prisoner;
  - ii. Arrest location and destination; and
  - iii. Vehicle odometer mileage; and
  - iv. Vehicle odometer mileage at time of arrival at the intended destination.
7. Prisoners shall be transported in the following manner:
  - i. If the transport vehicle is equipped with a safety barrier, the prisoner shall be placed in the rear, right-side seat. The transporting officer(s) shall be positioned in the front seat.
  - ii. If the transport vehicle is equipped with a safety barrier, and two prisoners are being transported, then two officers shall make the transport where feasible. The prisoners shall be placed in the rear seat. The transporting officers shall be positioned in the front seat.
  - iii. Up to three prisoners may be transported in a vehicle equipped with a safety barrier, provided that two officers make the transport. The prisoners shall be placed in the rear seat. The transporting officers shall be positioned in the front seat.

- iv. A prisoner may be transported in a vehicle not equipped with a safety barrier. However, two officers must make the transport. One officer shall operate the vehicle while the second officer is seated in the rear seat, directly behind the operator of the vehicle. The prisoner shall be seated in the rear, right-side seat.
  - v. All prisoners being transported shall wear properly fastened seat belts.
  - vi. Prisoners shall not be transported in a reclined position.
  - vii. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.
  - viii. Prisoners shall not be left unattended while in a patrol vehicle while parked or in transit.
  - ix. Unless approved by a supervisor, no stops will be made while transporting a prisoner.
  - x. A transporting officer shall not respond to the need for law enforcement services or back-up unless the risk to other citizens or law enforcement officers is both clear and serious and the risk to the prisoner(s) is minimal. When the need for these services is of a non-serious nature, the officer shall notify dispatch.
  - xi. Prisoners of the opposite sex shall not be transported in the same vehicle unless extraordinary circumstances exist, and only when approved by a supervisor.
8. Special transport situations:
- i. If a prisoner becomes sick or injured incidental to arrest, the transporting officer, when possible, shall summons emergency medical support to examine the prisoner prior to transport.
  - ii. If emergency hospital treatment is necessary, the prisoner and at least one officer shall be transported by the rescue to the hospital. The officer shall remain with the prisoner (unless prevented by emergency circumstances or treatment needs) until the hospital personnel release the prisoner or until appropriate security can be arranged.
  - iii. If emergency hospital treatment is not necessary, and a reasonable request is made by the prisoner to go to the hospital, the prisoner shall be transported in an agency vehicle.
  - iv. Prisoners with physical handicaps may be transported in agency vehicles. All reasonable precautions shall be taken by the transporting officer to ensure the security and reasonable comfort of the prisoner, without compromising the safety of the transporting officer(s).
  - v. Appropriate measures for the security and control of prisoners in medical facilities shall be taken. Whenever an officer transports a prisoner, or is transported with a prisoner, to a medical facility, the officer shall:

- (a) Maintain a constant view of the prisoner;(unless prevented by emergency circumstances or treatment needs)
  - (b) Ensure that proper restraints are applied to the prisoner until the medical staff needs them removed for medical treatment. Once treatment is completed, proper restraints shall be reapplied;
  - (c) Guard against any injury to the officer and all medical staff;
  - (d) If required to guard the prisoner, and when possible, rotate guarding assignments at regular intervals to avoid complacency;
  - (e) Ensure that the prisoner does not have contact with visitors;
  - (f) Notify hospital security, if available, and the law enforcement agency within the jurisdiction of the medical facility of the presence of a prisoner within the hospital;
  - (g) If the prisoner is admitted to the medical facility, and cannot be arraigned or issued a summons, notify the Shift Commander to arrange for 24-hour guard coverage;
  - (h) Upon the prisoner's release from the medical facility, and prior to transport, the prisoner shall be thoroughly searched; and
  - (i) Upon the prisoner's release from the medical facility, the transporting officer shall ensure that all medical records and instructions for future treatment are in the prisoner's possession and are provided to the detention facility.
- vi. Whenever a prisoner is to be transported and has been involved in the following types of incidents, special safety means calling an ambulance to the scene before transporting a prisoner anywhere. Officers shall explain to the ambulance medics the nature of the concern regarding the prisoner. Officers will rely on the opinion of the medics whether the suspect needs further medical treatment and if the person should be transported by ambulance to the hospital. Officers will not sign any release form of treatment on behalf of any person. Considerations that shall be adhered to:
- (j) When the prisoner:
    - (i) Was involved in a violent struggle during apprehension,
    - (ii) Was subjected to the use of a chemical agent, Taser, neck restraint holds, multiple body weight control, or impact strikes to the body,
    - (iii) Is highly intoxicated on either alcohol or drugs or a combination.
    - (iv) Has lost consciousness in the presence of an officer no matter of the duration.
    - (v) Was reported or witnessed to have fallen and struck their head.

- (vi) Was reported to have ingested pills, poisons, etc. in self harm situations even when no outward signs of symptoms or distress are observed.
- (vii) Evidences a difficulty in breathing, the transporting officers shall call an ambulance and have the prisoner evaluated by paramedics before transport.
- (viii) If it is determined by a medical resource a prisoner can be transported, then the **transporting officer shall:**
  - Ensure that the prisoner remains in a seated, upright position.
  - One officer shall maintain constant visual and audible observation of the prisoner.
  - If there is any indication that the prisoner is in medical distress the officer(s) shall administer emergency medical attention consistent with his/her level of training and shall immediately summon emergency medical support, and
  - Shall advise the detention staff accepting the prisoner of all of the above circumstances

**9. Community Care Taking Transports:** Police officers serve numerous functions in society, some of which are totally separated from the investigation of crimes and arrest of suspects. These non-crime related duties are termed community caretaking functions and for this section “community caretaking transports.” Officers can expect to encounter citizens in numerous situations in which police assistance is requested; such as a stranded motorist in need of transportation, or cases where police assistance is necessary; such as intoxicated persons wandering in or near a roadway. The purpose of this sections is ensuring the safe transportation of citizens and safety of the transporting officers.

- a. Citizens who are transported for a “community caretaking” purpose such as individuals who flag down officers for assistance and are transported in the police vehicle are not seized for fourth amendment purposes.
- b. Citizens who are transported for a “community caretaking” purpose because they are ill or in distress, such as persons who pose a danger to self or others due to mental health issues, impairment from drugs and alcohol etc. are not considered seized for purposes of the Fourth Amendment.
- c. During the course of a community caretaking contact, officers shall activate their body worn camera in accordance with agency policy.

- d. During the course of a community caretaking contact, officers may, without turning the contact into a seizure, take reasonable steps to ensure their safety.
- e. An officer may request that the citizen take their hands out of their pockets and that the citizen keep his hands visible without converting the contact into a seizure or arrest.
- f. When the officer has reason to believe the persons to be transported may harm him/her, the officer may conduct a pat-down search of the citizen prior to transporting in the police vehicle in non-arrest situations.
- g. Officers shall notify a supervisor and the dispatcher of the circumstance of the transport:
  - Reason for the transport,
  - Sex of the person (male and female citizens may be transported together when they were originally together. Ex: Husband and wife stranded with disabled vehicle request transportation)
  - Number of persons
  - Starting location & destination
  - Starting and ending mileage
  - Time of start
  - Time on arrival at destination
- h. All persons must wear seatbelts.
- i. When the reason for the transport is due to impairment from drugs or alcohol, the officer is required to transport to a medical facility.
- j. When the officer is dealing with a citizen in need of medical attention the officer should first consider contacting EMS for evaluation before transport.
- k. When the reason for transport involves the need for a mental health evaluation the officer is required to transport to the appropriate mental health provider.
- l. No stops shall be made along the way to the destination.
- m. Officers shall not engage in a pursuit or conduct law enforcement activities while transporting citizens.
- n. Officers are prohibited from dropping or stranding a citizen in a location that places the citizen in danger.

- o. Coercing or facilitating homeless persons, vagrants, panhandlers etc. into transportation when they have no desire to leave the jurisdiction through transportation and drop-off is prohibited.
- p. Officers should encourage the citizen to contact a person who will meet them or take them in. Where a citizen does not have a phone, Officers will use their department issued phone or instruct the dispatcher to make the call.
- q. Officers will ensure the safety of the citizen during the transport and drop the citizen in a safe location at the termination of the transport. I.e.:
  - The citizen's residence
  - The residence of a family member or friend
  - A medical facility or hospital
  - A reputable local establishment such as hotel or restaurant
  - A bus station, train station or cab company
  - The law enforcement facility lobby area